

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

Section 943.25(2), F.S. creates the Criminal Justice Standards and Training Trust Fund within the Florida Department of Law Enforcement. This trust fund provides payment for necessary and proper expenses incurred by the operation of the Criminal Justice Standards and Training Commission¹ and the Criminal Justice Professionalism program².

The bill amends s. 943.25(2), F.S. to provide that funds from the Criminal Justice Standards and Training Trust Fund can be used to fund supplemental salary increases to law enforcement³, correctional⁴, and correctional probation officers⁵ who are employed in sworn or certified public safety occupations by the state. The bill provides any salary increases shall be additional to the salary increases provided to state employees in the General Appropriations Act.

INCREASED FEES

¹ See s. 943.11, F.S. The Commission performs the following duties: certifies and revokes the certification of law enforcement officers, establishes uniform minimum employment standards, establishes uniform minimum training standards, etc. Section 943.12, F.S.

² See s. 943.09, F.S.

³ "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁴ "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

⁵ "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

The bill provides all funds generated from the fee increases listed below are to be deposited in the Criminal Justice Standards and Training Trust Fund to be used for supplemental salary increases to law enforcement, correctional, and correctional probation officers who are employed in sworn or certified public safety occupations by the state.

Suspension of License for Failure to Comply With Civil Penalty or Failure to Appear

Section 318.15, F.S. provides that a person who fails to pay a civil traffic fine, fails to attend driver improvement school, or fails to appear at a hearing is subject to a driver's license suspension.⁶ To reinstate a suspended driver's license, a person must comply with all previously imposed penalties and pay a reinstatement fee of \$47.50.⁷

The bill increases the amount of the reinstatement fee to \$60.00.

Failure to Pay Fines

Section 318.18(8), F.S. provides that a person who fails to pay a noncriminal civil traffic fine within 30 days from the date of the citation must pay an additional late fee of \$12.00.⁸

The bill increases the amount of the late fee to \$24.00.

Certificates of Title

Section 319.32, F.S. provides that the Department of Highway Safety and Motor Vehicles (DHSMV) shall charge a fee of \$24.00 for each original certificate of title⁹ for a vehicle. Section 319.32 also provides that an additional fee of \$40.00 shall be paid for a certificate of title for a rebuilt vehicle.¹⁰

The bill adds an additional fee of \$2.00 to the fee for each original certificate of title and certificate of title for a rebuilt vehicle.

Expedited Certificate of Title Fee

Pursuant to s. 319.323, F.S. DHSMV established a title office which allows private citizens and businesses to receive expedited service for title transfers, title issuances, duplicate titles, and recordation of liens, and certificates of repossession. DHSMV charges a \$7.00 fee in addition to the regular title fee (currently \$24.00 or \$40.00, discussed above) for the expedited process.

The bill increases the expedited title fee by \$2.00, making the total fee \$9.00

Odometer Fraud Prevention and Detection

Section 319.324(1), F.S. provides that \$1.00 of the total cost [currently \$24.00 or \$40.00] of each title issued pursuant to s. 319.32(1), F.S. [discussed above] shall be deposited in the Highway Safety Operating Trust Fund. The funds deposited in the Highway Safety Operating Trust Fund pursuant to this section are used to prevent and detect odometer fraud.

⁶ Section 318.15(1), F.S.

⁷ Section 318.15(2), F.S.

⁸ Section 318.18(8)(a), F.S. See also s. 318.14(4), F.S.

⁹ "Certificate of title" means the record that is evidence of ownership of a vehicle, whether a paper certificate authorized by the department or a certificate consisting of information that is stored in an electronic form in the department's database. Section 319.001(1), F.S.

¹⁰ The additional fee covers the cost of physical an inspection of the vehicle by DHSMV.

The bill increases the amount of money deposited from the issuance of titles in s. 323.32(1), F.S. from \$1.00 to \$2.00.

Motor Vehicle Registration Taxes

Section 320.08, F.S. provides a registration fee schedule for a variety of motor vehicles including motorcycles, automobiles, semitrailers, heavy trucks, and recreational vehicles. The fees range from \$5.00 to \$979.00 and based on the type of vehicle registered with DHSMV.

The bill adds an additional fee of \$2.00 to each license tax in this section.

Personalized Prestige License Plates

Section 320.08, F.S. provides for DHSMV to issue personalized license plates. DHSMV charges the following fees for a personalized license plate: the registration fee as provided in s. 320.08, F.S. [discussed above], \$10.00 plate annual use fee, and \$2.00 processing fee.

The bill adds \$2.00 to the processing fee. The bill provides the processing fee for a personalized plate is now \$4.00.

Temporary Tags

Section 320.131, F.S. provides DHSMV may issue temporary tags in certain circumstances listed in the statute. The current fee for a temporary tag is \$2.00.

The bill increases the fee for a temporary tag to \$3.00.

Nonresident Dealer Licenses

Section 320.71, F.S. provides that any person who is a nonresident of Florida and does not have a contract from the manufacturer or distributor authorizing the sale of motor vehicles in Florida must register with the Department of Revenue, receive a sales tax dealer registration number, and pay a license fee of \$2,000.00 per year in each county where the motor vehicles are sold.

The bill adds \$10.00 to the license fee above.

Mobile Home and Recreational Vehicles

Section 320.8225, F.S. provides that any person who is a manufacturer, distributor, or importer of mobile homes or recreational vehicles in the state of Florida, or who manufactures mobile home that are sold in the state of Florida must obtain an annual license. The initial license fee is \$300.00. A renewal fee is \$100.00.

The bill adds a \$10.00 fee to each initial and renewal application above.

Driver License Fees

Section 322.21, F.S. provides a schedule of driver license fees including commercial driver's licenses and Class E driver's licenses. For each of these licenses, if a person renews the license after the expiration date of the license but before a 12 month period has elapsed, the person is assessed a \$1.00 delinquent renewal fee.

The bill adds an additional \$4.00 fee to the delinquent renewal fee.

Suspended or Revoked Driver License Fees

Section 322.21(8), F.S. provides that any person who applies for reinstatement of a driver's license must pay a reinstatement fee of \$35.00 following a suspension¹¹ and \$60.00 following a revocation¹². This section also provides that a person must pay a reinstatement fee of \$60.00 following a disqualification¹³ for a commercial driver's license.

The bill increases the reinstatement fee for a suspended license to \$45.00. The bill increases the reinstatement fee for a revoked license or commercial disqualification to \$75.00.

DUI Revocation or Suspension Fee

Section 322.21(8), F.S. provides that a person must pay a reinstatement fee of \$115.00 if the suspension or revocation of a driver license was the result of a conviction for driving under the influence.

The bill increases the reinstatement fee to \$130.00.

Driver License Surrender Fee

Section 322.29, F.S. provides that a person must surrender a suspended or revoked license to DHSMV. In certain listed circumstances¹⁴, a person may reinstate a suspended or revoked driver license without completing a vision test, traffic law examination, or driving examination. In this case, the person must pay a \$47.50 service fee to DHSMV.

The bill increases the reinstatement fee to \$60.00.

Vessel Registration

Section 328.03, F.S. provides that DHSMV must issue a certificate of title to each vessel operated on the waters of Florida. The fee for issuing certificate of title for a vessel is \$5.25.

The bill increases the fee for issuing a certificate of title for a vessel to \$6.25.

Expunction

Section 943.0585, F.S. provides the procedure for expunction of criminal records. To have a criminal record expunged, a person must first obtain a certificate of eligibility for expunction from the Florida Department of Law Enforcement (FDLE).¹⁵ The certificate of expunction verifies that a person has met all statutory expunction eligibility. FDLE requires a \$75.00 processing fee for issuing the certificate of eligibility.

The bill increases the FDLE processing fee to \$150.00.

Inmate Purchases

Section 945.215(1)(e), F.S. provides that items for sale at inmate canteens and vending machines maintained at correctional facilities shall be priced comparatively with like items for retail sale at market prices. Canteens and vending machines are used by inmates and by individuals visiting an inmate.

¹¹ "Suspension" means the temporary withdrawal of a licensee's privilege to drive a motor vehicle. Section 322.01(40), F.S.

¹² "Revocation" means the termination of a licensee's privilege to drive. Section 322.01(36), F.S.

¹³ "Disqualification" means a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle. Section 322.01(15), F.S.

¹⁴ Circumstances include suspension of a driver's license for failure to pay child support, failure to appear in court for a civil penalty, suspension for criminal offenses listed in s. 318.17, F.S.

¹⁵ Section 943.0585(2), F.S.

The bill adds a 4% surcharge to items for sale at inmate canteens and vending machines in correctional facilities.

B. SECTION DIRECTORY:

Section 1: Amends s. 318.15, F.S., relating to failure to comply with civil penalty or to appear; penalty.

Section 2: Amends s. 318.18, F.S., relating to amount of penalties.

Section 3: Amends s. 319.32, F.S., relating to fees; service charges; disposition.

Section 4: Amends s. 319.323, F.S., relating to expedited service; applications; fees.

Section 5: Amends s. 319.324, F.S., relating to odometer fraud prevention and detection; funding.

Section 6: Creates s. 320.08041, F.S., relating to surcharge on license tax; Criminal Justice Standards and Training Trust Fund.

Section 7: Amends s. 320.07, F.S., relating to expiration of registration; renewal required; penalties.

Section 8: Amends s. 320.0805, F.S., relating to personalized prestige license plates.

Section 9: Amends s. 320.131, F.S., relating to temporary tags.

Section 10: Amends s. 320.71, F.S., relating to nonresident motor vehicle, mobile home, or recreational vehicle dealer's license.

Section 11: Amends s. 320.8225, F.S., relating to mobile home and recreational vehicle manufacturer, distributor, and importer license.

Section 12: Amends s. 322.21, F.S., relating to license fees; procedure for handling and collecting fees.

Section 13: Amends s. 322.29, F.S., relating to surrender and return of license.

Section 14: Amends s. 328.03, F.S., relating to certificate of title required.

Section 15: Amends s. 379.2201, F.S., relating to deposit of license fees; allocation of federal funds.

Section 16: Amends s. 943.0585, F.S., relating to court-ordered expunction of criminal history records.

Section 17: Amends s. 945.215, F.S., relating to inmate welfare and employee benefit trust funds.

Section 18: Amends s. 943.25, F.S., relating to criminal justice trust funds; source of funds; use of funds.

Section 19: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill increases several statutory fees.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increased fees could have a negative fiscal impact on individuals and businesses.

D. FISCAL COMMENTS:

The bill provides that the funds generated from the increased fees be deposited into the Criminal Justice Standards and Training Trust Fund generally, but restricts the use of the new revenue to fund supplemental salary increases. Information is not yet available as to the amount of revenue that will be generated by the increased fees.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- The current late fee in s. 318.18(8)(a), F.S. is \$12. The bill incorrectly provides that the current fee is \$16 and increases the fee by \$8 to \$24. If the intent of the bill is to increase the current fee by \$8, the amount should be \$18.
- The sentence beginning at line 104 and ending at line 107 is not currently in statute. The lines should be underlined or removed from the bill.
- The bill references s. 379.354(18), F.S. at line 488. That section does not exist.
- The bill increases the fees for expungement of criminal records, but not the sealing of criminal records. This could be problematic since a sealing is a prerequisite for expungement in certain circumstances.
- The bill provides authority to the executive director of FDLE and the Criminal Justice Standards and Training Commission (CJSTC) to approve supplemental salary increases provided in the bill. FDLE indicates that the majority of the employees that are eligible for supplemental salary increases are not supervised or employed by FDLE. This could vastly increase the powers of both FDLE and the CJSTC, despite the fact the organizations have limited jurisdiction and interaction with the employees eligible for the supplemental salary increases.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES